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November 29, 2014

The Honorable Kim R. Gibson, U.S.D.J.
U.S. District Court for the
Western District of Pennsylvania
319 Washington Street
Penn Traffic Building
Johnstown, PA 15901

Re: United States v. Michael Herman
14-cr-08

Dear Judge Gibson:

Enclosed please find additional character letters to supplement the sentencing memorandum submitted by defense counsel last week on behalf of Michael Herman in Criminal Matter 14-cr-08.

Sincerely yours,

A handwritten signature in black ink, appearing to be "RJZ", with a long horizontal stroke extending to the right.

Richard J. Zack

RJZ/COH
Enclosure

Peter Herman
Wyckoff, New Jersey
917 734 7163 Muzbizpro@aol.com

August 10, 2014

The Honorable Kim R. Gibson
United States District Court Judge
104 Penn Traffic Building
319 Washington Street
Johnstown, PA 15901

I am Michael Herman's eldest son. I am happily married 15 years to Heather and we have two wonderful children -- Michael (11) and Isla (9). I am a successful music industry executive who is fortunate to have Grammy Award winning clients. But most of all, I consider myself blessed to have had the remarkable opportunity to have met Michael Herman when I was 10 years old. It was not an easy time when we met.

In fact, I was quite troubled being the eldest of three children to a single mother, who worked 3 jobs and managed to escape her first husband -- my biological father -- an abusive alcoholic husband. And, even though we had regular police visits to our apartment to stop him from seriously hurting her and even though I saw my mother physically and mentally hurt and even though she was in and out of hospitals she never stopped being positive around us, helping us overcome the fear and nightmares, teaching us not to fear and hate, as well as, caring for and protecting me and my siblings. One of her jobs was as a waitress and after a number of months of knowing a regular customer named Michael Herman she introduced him to her kids. He was wealthy, he was charming, he was generous and I didn't like him. I was the man of our house now and didn't want to see my mother hurt again . I did everything in my power to dissuade him from liking her and liking me.

At the age of 10. I was an at risk youth. Alcohol, drugs, gangs were all around me. I was an inner city kid who had my first drunken episode at 7 , I had experimented with drugs, I was hanging around high school kids who paid me to watch out for them as they broke into apartments. And, here comes this white knight -- tall, hansom, silver hair with silver side burns on his white horse -- a beautiful clean shiny new car -- offering to take us to his house in the country to ride horses. Happy ending -- not quite. There would be many incidents such as fighting, school suspension, counseling, rehab, etc... where my parents were called to pick me up and get me help. And, each time the school principal called for my removal, who showed up each and every time -- Michael Herman. He didn't get mad, He didn't hurt me , in fact he took me to what became our favorite restaurant for a long

talk. We had many talks. He listened, he paid attention, he was trying to win my vote for the "Father of the Year " Award and I wasn't buying in. I figured if I could get the rest of my siblings -- his 2 kids and my sister and brother -- on my side the five of us could beat him and he would run off with his tail between his legs. My attitude was rebellious to the core and to do everything in my power to get him out of our lives as soon as possible. What impressed me the most was he never gave in, he never gave up, he never ran off. He loved my mother and he loved her kids like they were his own. It seemed as though my mother was his inspiration and he had the motivation to conquer and accomplish anything. And, even though the idea being in a family with a father was winning over my siblings I hung tough and tested his patience, perseverance and good positive nature.

Unfortunately, I had to learn the hard way and insisted I was 15 going on 16 and should be allowed to get to know my biological father and I moved to Florida to live with him. This lasted for 3 months when after one beating too many I ran away and called home. 6 hours later Michael Herman flew his airplane into Fort Lauderdale airport to meet me, talk to me and set the ground rules for me to return with him to New York. I made a promise and went back with him to become a star athlete, a straight A student, graduate college and became a successful entrepreneur in the music industry. And, best of all I finally realized who my father was.... I felt like a million bucks the day Michael Herman adopted me.

My father, Michael Herman, has mentored me in life and he has saved my life. He has taught me charity and to enjoy the gift of giving. He gives and gives and expects nothing in return. I have watched him first hand build a business from nothing. His business genius was seeing an industry and market before anyone else. His mechanical and engineering genius created a long form envelope which could be printed and personalized and used in the financial service segment of the direct marketing industry. He worked for years, everyday, 20 hours a day, to build a company in Altoona, Pennsylvania. I remember he was down to his last dollars of savings, he was over the limit on all his credit cards, he was on the brink of bankruptcy, he needed financing and he needed his first order and I remember standing next to him and my brother and 2 other workers in a big bare factory on day one while they built the first patented machine. And, the next day I went with him to Chicago to get that first order. And, to this day I am amazed by his poise, conviction, good humor in the face of potential disaster. It was a moment of do or die. And, he overcame great odds to make that first order and to make that first payroll. For over 30 years I watched my father grow a business from 2 employees to 2,000 + employees. Best of all, these employees became our family. My father loves people, he loves his friends and he loves his family. He has made many great friends and they became our family. Even those employees who for whatever the reason left his company remained friends with my father. Everywhere I go with him people tell me how he has helped them and taught them something. He is a teacher and a mentor, he loves teaching us. He has taught us how to fly airplanes, how to ride horses, how to ride motorcycles, how to camp, how to fish, how to laugh and think positively. He has taught us how to overcome adversity with dignity and how to be good caring people. Despite his own health issues, he is tireless when it comes to helping people. He sees the big picture and always looks for ways to help many disadvantaged peoples and children. I recall so many phone calls when I asked what are

you doing and he replies matter of fact " I'm flying a family to St Jude's Children Hospital to be with their child who needs chemotherapy often I learn he is not only sponsoring and paying to help these families but he has become friends with them and is staying a few extra days with them or has invited them to stay with him at his house.

This is one of the hardest letters I have ever had to write.

I have learned from my father that every day and every minute counts. To make today a great day ... the choice is ours. And, the thought of losing the few remaining precious moments we have with our father, our grandfather and my best friend breaks my heart. The thought that my children may lose precious moments with their grandfather breaks my heart. The thought of the loss of freedom for a man who loves life as much as he loves his family. A man who loves flying airplanes, riding horses, riding snow mobiles , fishing and camping and traveling across America from coast to coast and even across Alaska. A man who has so much to give to his family, friends and community. A man who helps and gives without seeking financial reward or public recognition. A man who has helped thousands of people and has likely helped someone -- a complete stranger -- today. I only hope and pray the court has come to understand Michael Herman and know that he has a great capacity to be of service to his community and society.

Sincerely,

Peter Herman